

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MISSOURI

SCOTT AND RHONDA BURNETT, )  
RYAN HENDRICKSON, JEROD BREIT, )  
SCOTT TRUPIANO, JEREMY KEEL, )  
HOLLEE ELLIS, and FRANCES HARVEY,)  
on behalf of themselves and all others )  
similarly situated, )  
Plaintiffs, ) No: 4:19-cv-00332-SRB  
v. )  
THE NATIONAL ASSOCIATION OF )  
REALTORS, REALOGY HOLDINGS )  
CORP., HOMESERVICES OF AMERICA, )  
INC., BHH AFFILIATES, LLC, HSF )  
AFFILIATES, LLC, RE/MAX, LLC, and )  
KELLER WILLIAMS REALTY, INC., )

Defendants.

**STATUS REPORT**

Defendants HomeServices of America, Inc; BHH Affiliates, LLC; and HSF Affiliates, LLC (together, the "HomeServices Defendants") hereby submit the following Eighth Circuit Status Report pursuant to the Court's Order at Doc. 916 at 3. The appeal is fully briefed. Oral argument took place on April 12, 2023. HomeServices Defendants await the Eighth Circuit's decision.

Dated: June 5, 2023

/s/Matthew T. Ciulla

Robert D. MacGill, *pro hac vice*  
Matthew T. Ciulla, *pro hac vice*  
Scott E. Murray, *pro hac vice*  
Robert.MacGill@MacGillLaw.com  
Matthew.Ciulla@MacGillLaw.com  
MacGILL PC  
156 E. Market St.  
Suite 1200  
Indianapolis, IN 46204  
(317) 721-1253

Jay N. Varon, *pro hac vice*  
Jennifer M. Keas, *pro hac vice*  
jvaron@foley.com  
jkeas@foley.com  
FOLEY & LARDNER LLP  
3000 K Street NW, Suite 600  
Washington, DC 20007  
(202) 672-5300

Brian C. Fries  
bfries@lathropgage.com  
LATHROP GAGE LLP - KCMO  
2345 Grand Avenue, Suite 2200  
Kansas City, MO 64108-2618  
(816) 292-2000

*Counsel for Defendants*  
*HomeServices of America, Inc., BHH*  
*Affiliates, LLC, and HSF Affiliates,*  
*LLC*

## CERTIFICATE OF SERVICE

I hereby certify that the foregoing was served upon all counsel of record by virtue of the Court's CM/ECF system on June 5, 2023.

/s/*Matthew T. Ciulla*  
One of HomeServices of America, Inc.'s Attorneys